

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 6662 OF 2006

DATED: 4.4.2006

Between:

Meena Jain and others

... Petitioners

and

The Project Director and Special
Collector (Land Acquisition) and another

... Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.6662 OF 2006

ORAL ORDER:

Heard the learned counsel for the petitioners and the learned Special Counsel for the Outer Ring Road Project, representing the 1st respondent.

The petitioners' lands are notified for acquisition under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') by a notification dated 12.12.2005 published on 15.12.2005. A declaration under Section 6 was also issued on 15.12.2005; gazetted on the same day and by the same proceedings invoking the urgency clause under Section 17 (4) of the Act the enquiry under Section 5-A has been dispensed with, assailing which the writ petition is filed.

An identical issue came to be considered eventually by a Division Bench of this court in W.A.Nos. 240 and 241 of 2006 pertaining to the same notification. This court by the judgment dated 14.3.2006 disposed of the appeals as under:

- a. "that the notification dispensing with

the enquiry under Section 5-A of the Act and also the declaration under Section 6 of the Act are set aside; and

- b. that the appellants are directed to file their objections in terms of Section 5-A of the Act within ten days from today; and
- c. that the Land Acquisition Officer is not required to issue any fresh notice as only the present appellants are aggrieved of dispensing with the enquiry; and
- d. that if the objections are filed by the appellants before the Land Acquisition Officer within the time stipulated, the Land Acquisition Officer may also personally hear all those objectors, who want to be personally heard, and in any case, pass final orders in terms of Section 5-A of the Act within two weeks from today.

The Writ Appeals are, accordingly, disposed of and the Common order of the learned single judge in W.P.No.27987 of 2005 and batch, dated 10.2.2006, is modified to the extent mentioned above. No costs.”

It is not disputed that the judgment of the Division bench covers the issues involved in this writ petition. Accordingly, this writ petition is disposed of following the judgment of the Division Bench directing:

- a. that the notification dispensing with the enquiry under Section 5-A of the Act and also the declaration under Section 6 of the Act are set aside; and
- b. that the appellants are directed to file their objections in terms of Section 5-A of the Act within ten days from today; and
- c. that the Land Acquisition Officer is not required to issue any fresh notice as only the present appellants are

aggrieved of dispensing with the enquiry; and

- d. that if the objections are filed by the appellants before the Land Acquisition Officer within the time stipulated, the Land Acquisition Officer may also personally hear all those objectors, who want to be personally heard, and in any case, pass final orders in terms of Section 5-A of the Act within two weeks from today.

The writ petition is accordingly disposed of at the admission stage. No order as to costs.

GODA RAGHURAM, J

Date: 4.4.2006

cvm